

Message Text

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ORIGIN AGR-08

INFO OCT-01 IO-10 RSC-01 AID-05 EB-04 AF-04 ARA-06 EA-06

EUR-12 NEA-06 COME-00 ISO-00 TRSE-00 SWF-01 L-02 H-01

NSC-05 CIAE-00 INR-05 NSAE-00 PA-01 USIA-06 PRS-01

SP-02 OES-02 OIC-02 CIEP-01 OMB-01 /093 R

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TO AMEMBASSY ROME PRIORITY

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FODAG

E.O. 11652: N/A

TAGS: OCON, ACOM, UNWFC

SUBJECT: WORLD FOOD CONFERENCE-INTERNATIONAL WORLD FOOD
SECURITY

REF: ROME 15567

PASS FELDMAN, USDEL

1. IN CCP DRAFTING GROUP, INDIA REP OBJECTED TO SUMMARY
OF FAO LEGAL COUNSEL'S STATEMENT, INDICATING MAIN PROBLEM
WAS WITH FINAL SENTENCE OF FIRST PARAGRAPH. HE FEARED
THAT STATEMENT "UNDERTAKING SHOULD NOT BE REGARDED AS...
HAVING LEGALLY BINDING FORCE" MEANT THAT ADHERING
GOVERNMENTS WOULD NOT HAVE TO LIVE UP TO ITS PROVISIONS
AND THAT IN EFFECT IT WOULD BE WORTHLESS TO COUNTRIES
NEEDING HELP. HE FELT THAT RECORDING OF COUNSEL'S
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OPINION WOULD IMPLY COMMITTEE VIEW THAT THE UNDERTAKING

PLACED NO OBLIGATIONS ON ADHERENTS.

2. USREP PRIVATELY EXPLAINED OUR LEGAL PROBLEM AND NEED TO HAVE AUTHORITATIVE CLARIFYING STATEMENT ON THE RECORD. STRESSED OUR PURPOSE WAS TO FACILITATE U.S. ADHERENCE, NOT TO WEAKEN INSTRUMENT. INDIA REP UNDERSTOOD EXPLANATION AND AGREED WITHDRAWAL OBJECTION. RECIPROCALLY U.S. AGREED TO DROP PROPOSAL FOR ADDITIONAL LANGUAGE WHICH WOULD HAVE SAID "A NUMBER OF DELEGATES EXPRESSED SATISFACTION WITH LEGAL COUNSEL'S STATEMENT."

3. IN SUBSEQUENT MEETING DRAFTING GROUP INDIA REP CLAIMING TO SPEAK FOR OTHER LDC'S ALSO OBJECTED TO FINAL SENTENCE SECOND PARAGRAPH INDICATING FORMULATION AND ADOPTION FAO PRINCIPLES OF SURPLUS DISPOSAL REPRESENTED PARALLEL AND PRECEDENT FROM STANDPOINT LEGAL PROCEDURES. THIS REFLECTED INDIA'S BELIEF THAT FAO PRINCIPLES RESTRAIN FOOD AID FLOWS AND CONSEQUENT DESIRE AVOID ANY CONNECTION BETWEEN PRINCIPLES AND UNDERTAKING. IN PRIVATE TALK, USREP SAID THIS ALSO WAS PART OF NEEDED CLARIFICATION AND STRESSED THAT FAO COUNSEL HAD IN FACT MADE THE STATEMENT. INDIA REP WENT ALONG AFTER U.S. AGREED TO COSMETIC LANGUAGE CHANGES ENABLING HIM TO SAVE FACE. KISSINGER

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